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INTRODUCTION

THE laws of Continental United States, that is of the forty-eight states and the District of Columbia but excluding Alaska, Hawaii, Porto Rico and the Philippines, regulating the treatment of prisoners during confinement, under the caption "The Caged Man", have been gathered together and classified so as to bring vividly to the mind of the student the answer to the question "What means a prison sentence". The collection of this material has been an arduous task because the statutes affecting prisoners are to be found under the most diverse headings and as parts of the law on many subjects. The constitutions, the latest revised statutes and the session laws down to January 1st, 1913, have been carefully read and classified. The segregation of this material taken from its context and the classification of many hundreds of references, under an arbitrary classification, has required a knowledge of the actual administration of the law in the several states, and the ascertaining, as far as possible, the probable meaning of the confused and varied expression of the thought contained in many poorly-drawn and ill-conceived statutes, hidden away in legislation often foreign to the actual subject under consideration and conflicting in many details with other statutes. The administrative character of this legislation has led to the interpretation of these conflicts by administrative boards and the changing personnel of the Attorney General's office, rather than by adjudication in courts of record. This study therefore must be considered in the light of these limitations and as having been presented more as an exhibit of the vagaries of legislative caprice, than as suggesting either the actual practice existing under the prison administrations in the several states, or as an ideal upon which to model new and better legislation. It suggests the repeal of many worn-out, antiquated and unused statutes; it makes possible the laying down of the principle that legislation should deal with broad principles and leave administrative detail to the duly constituted body which has been created for administration; and it brings to light many isolated provis-

ions which would be valuable in the working out of a more perfect and better conceived penal statute law than is now found on the statute books of any state. References are given in full in the hope that students of the subject will be able to use the material in their work of drafting legislation, and in the hope that through such working over there may come to light and to our attention those errors which must necessarily have crept in because of the inherent difficulty of compilation and the variation resulting from the use of personal judgment in classification. Such suggestions, which will be gratefully received, should be sent to Miss Julia Jaffray, Secretary, Educational Department, National Committee on Prison Labor, 319 University Hall, Columbia University, New York City. Miss Jaffray has compiled the statutes to which reference is made in this monograph.

E. STAGG WHITIN.

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